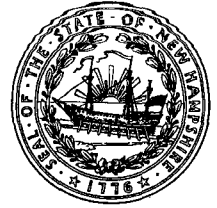




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-54

September 22, 2004

Richard & Patricia Hopgood
296 Lowell Street
Andover, MA 01810

RE: DES Wetlands File #2000-00927 Cow Island, Tuftonboro Tax Map 37-1, Lot 21

Dear Mr. & Ms. Hopgood:

On July 29, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tuftonboro Tax Map 37-1 as Lot 21 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-700 and Wetlands and Non-site Specific Permit #2000-927 (the "Permit"). The Permit authorized removal of an existing seasonal pier and concrete pad and installation of a "W" shaped docking facility, breakwater, and seasonal canopy in accordance with plans by DMC Surveyors dated May 10, 2000, as received by the Department on January 11, 2000 (the "Plans").

During the inspection the following deficiencies were documented:

1. A concrete pad which was used as a hinge point for the previous seasonal pier was not removed. The concrete pad extends 3'10" lakeward of normal high water.
2. The canopy measures 29' wide which is 3' wider than specified by the Permit and Plans and has mesh sides that roll down to enclose the docking facility.
3. The breakwater measures 52 feet at normal high water with an 8' gap between the breakwater and the shore. The Permit and Plans authorized construction of a 44' breakwater with a 6' gap at the shore.
4. A review of DES records indicates that to date the Department has not received a recorded copy of Permit #2000-927. Specific Condition #2 of the Permit requires that "This permit shall not be effective until it is recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction."

In response, you are requested to take the following actions:

1. By December 31, 2004, please remove the concrete pad and vegetatively stabilize the area disturbed by its removal, remove the canopy sides and restore the breakwater so that no portion of the breakwater above elevation 504.32 (full lake elevation) extends more than 50 lakeward of the normal high water line (elevation 504.32). Please submit photographs documenting restoration of the breakwater and removal of the concrete pad and canopy walls to DES by January 14, 2005.

Although this work can be performed without obtaining a new wetlands permit please note that appropriate siltation, erosion and turbidity controls must be installed prior to conducting the work and maintained throughout the duration of construction.

2. Within 30 days of the date of this letter please submit a recorded copy of Permit # 2000-927 to DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,
COPY
[Signature]

D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0923

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
USACOE
Normandin, Cheney & O'Neil